

IN SENATE OF THE UNITED STATES.

JUNE 20, 1848.

Submitted, and ordered to be printed.

Mr. UNDERWOOD made the following

REPORT:

[To accompany bill H. R. No. 361.]

*The Committee of Claims, to whom was referred the bill H. R. 361, for the relief of Almedus Scott, report:*

The committee cannot concur with the House in the propriety of passing the bill for the relief of Almedus Scott. The facts presented in the House report exhibit a case in which the judiciary can afford any relief which the party may be entitled to. If Morton, the patentee, did, as is proved, "bargain, sell, and convey" the land to the wife of Scott, then the title is in her and Congress ought not to divert the wife's title if it could. If it be said that the deed was executed before the patent issued, still, in the opinion of the committee, that fact does not render the deed inoperative. But if it does, it cannot destroy the equity of Morton's vendee, and the chancellor will enforce the executory contract by coercing a specific performance. Upon every view of the case, the committee are of opinion that to pass the bill would be to set a dangerous precedent, and one which is unnecessary; and, therefore, they recommend that the bill be rejected.

